

109TH CONGRESS
2D SESSION

H. R. 6172

To amend title 5, United States Code, to deny retirement benefits to any Member of Congress convicted of a criminal offense involving abuse of the public trust.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2006

Mr. KIRK (for himself, Mr. SHADEGG, Mr. PLATTS, Mr. FITZPATRICK of Pennsylvania, Mr. DAVIS of Kentucky, Mr. DENT, Mr. SHIMKUS, Mrs. BIGGERT, Mr. ENGLISH of Pennsylvania, Mr. SIMMONS, Mr. REICHERT, Mr. GERLACH, Mr. BRADLEY of New Hampshire, Mr. PAUL, Mr. HERGER, Mr. PORTER, and Mr. KENNEDY of Minnesota) introduced the following bill; which was referred to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 5, United States Code, to deny retirement benefits to any Member of Congress convicted of a criminal offense involving abuse of the public trust.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Congressional Pension
5 Forfeiture Act of 2006”.

1 **SEC. 2. LOSS OF PENSIONS ACCRUED DURING SERVICE AS**
2 **A MEMBER OF CONGRESS FOR ABUSING THE**
3 **PUBLIC TRUST.**

4 (a) CIVIL SERVICE RETIREMENT SYSTEM.—Section
5 8332 of title 5, United States Code, is amended by adding
6 at the end the following:

7 “(o)(1) Notwithstanding any other provision of this
8 subchapter, the service of an individual finally convicted
9 of an offense described in paragraph (2) shall not be taken
10 into account for purposes of this subchapter, except that
11 this sentence applies only to service rendered as a Member
12 (irrespective of when rendered). Any such individual (or
13 other person determined under section 8342(c), if applica-
14 ble) shall be entitled to be paid so much of such individ-
15 ual’s lump-sum credit as is attributable to service to which
16 the preceding sentence applies.

17 “(2)(A) An offense described in this paragraph is any
18 offense described in subparagraph (B) for which the fol-
19 lowing apply:

20 “(i) Every act or omission of the individual (re-
21 ferred to in paragraph (1)) that is needed to satisfy
22 the elements of the offense occurs while the indi-
23 vidual is a Member.

24 “(ii) Every act or omission of the individual
25 that is needed to satisfy the elements of the offense

1 directly relates to the performance of the individual's
2 official duties as a Member.

3 “(iii) The offense is committed after the date of
4 enactment of this subsection.

5 “(B) An offense described in this subparagraph is
6 only the following, and only to the extent that the offense
7 is a felony under title 18:

8 “(i) An offense under section 201 of title 18
9 (bribery of public officials and witnesses).

10 “(ii) An offense under section 219 of title 18
11 (officers and employees acting as agents of foreign
12 principals).

13 “(iii) An offense under section 371 of title 18
14 (conspiracy to commit offense or to defraud United
15 States) to the extent of any conspiracy to commit an
16 act which constitutes an offense under clause (i) or
17 (ii).

18 “(3) An individual convicted of an offense described
19 in paragraph (2) shall not, after the date of the final con-
20 viction, be eligible to participate in the retirement system
21 under this subchapter or chapter 84 while serving as a
22 Member.

23 “(4) The Office of Personnel Management shall pre-
24 scribe any regulations necessary to carry out this sub-
25 section. Such regulations shall include—

1 “(A) provisions under which interest on any
2 lump-sum payment under the second sentence of
3 paragraph (1) shall be limited in a manner similar
4 to that specified in the last sentence of section
5 8316(b); and

6 “(B) provisions under which the Office may
7 provide for—

8 “(i) the payment, to the spouse or children
9 of any individual referred to in the first sen-
10 tence of paragraph (1), of any amounts which
11 (but for this clause) would otherwise have been
12 nonpayable by reason of such first sentence, but
13 only to the extent that the application of this
14 clause is considered necessary given the totality
15 of the circumstances; and

16 “(ii) an appropriate adjustment in the
17 amount of any lump-sum payment under the
18 second sentence of paragraph (1) to reflect the
19 application of clause (i).

20 “(5) For purposes of this subsection—

21 “(A) the term ‘Member’ has the meaning given
22 such term by section 2106, notwithstanding section
23 8331(2); and

24 “(B) the term ‘child’ has the meaning given
25 such term by section 8341.”.

1 (b) FEDERAL EMPLOYEES' RETIREMENT SYSTEM.—

2 Section 8411 of title 5, United States Code, is amended
3 by adding at the end the following:

4 “(1)(1) Notwithstanding any other provision of this
5 chapter, the service of an individual finally convicted of
6 an offense described in paragraph (2) shall not be taken
7 into account for purposes of this chapter, except that this
8 sentence applies only to service rendered as a Member (ir-
9 respective of when rendered). Any such individual (or
10 other person determined under section 8424(d), if applica-
11 ble) shall be entitled to be paid so much of such individ-
12 ual's lump-sum credit as is attributable to service to which
13 the preceding sentence applies.

14 “(2) An offense described in this paragraph is any
15 offense described in section 8332(o)(2)(B) for which the
16 following apply:

17 “(A) Every act or omission of the individual
18 (referred to in paragraph (1)) that is needed to sat-
19 isfy the elements of the offense occurs while the in-
20 dividual is a Member.

21 “(B) Every act or omission of the individual
22 that is needed to satisfy the elements of the offense
23 directly relates to the performance of the individual's
24 official duties as a Member.

1 “(C) The offense is committed after the date of
2 enactment of this subsection.

3 “(3) An individual finally convicted of an offense de-
4 scribed in paragraph (2) shall not, after the date of the
5 conviction, be eligible to participate in the retirement sys-
6 tem under this chapter while serving as a Member.

7 “(4) The Office of Personnel Management shall pre-
8 scribe any regulations necessary to carry out this sub-
9 section. Such regulations shall include—

10 “(A) provisions under which interest on any
11 lump-sum payment under the second sentence of
12 paragraph (1) shall be limited in a manner similar
13 to that specified in the last sentence of section
14 8316(b); and

15 “(B) provisions under which the Office may
16 provide for—

17 “(i) the payment, to the spouse or children
18 of any individual referred to in the first sen-
19 tence of paragraph (1), of any amounts which
20 (but for this clause) would otherwise have been
21 nonpayable by reason of such first sentence, but
22 only to the extent that the application of this
23 clause is considered necessary given the totality
24 of the circumstances; and

1 “(ii) an appropriate adjustment in the
2 amount of any lump-sum payment under the
3 second sentence of paragraph (1) to reflect the
4 application of clause (i).

5 “(5) For purposes of this subsection—

6 “(A) the term ‘Member’ has the meaning given
7 such term by section 2106, notwithstanding section
8 8401(20); and

9 “(B) the term ‘child’ has the meaning given
10 such term by section 8341.”.

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